

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ROY JOHNSON SHUPE,)	
Petitioner,)	Civil Action No. 7:14cv00237
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
COMMONWEALTH OF VIRGINIA,)	By: Norman K. Moon
Respondent.)	United States District Judge

Petitioner Roy Johnson Shupe, a Virginia inmate proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 2006 convictions and sentence in the Smyth County Circuit Court. Court records indicate that Shupe previously filed a § 2254 motion regarding the same convictions and sentence, which I denied as untimely filed. *See* Civil Case No. 7:12cv00024. Under the provisions of the federal habeas statutes regarding subsequent or successive § 2254 petitions, I may consider a second or successive § 2254 petition only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the petition meet certain criteria. *See* 28 U.S.C. § 2244(b). Because Shupe has not submitted any evidence that he has obtained such certification by the Court of Appeals, I will dismiss his petition without prejudice as successive.

ENTER: This 5th day of June, 2014.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE